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ATTORNEY DOCKET NO. 01173.0003U3
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Chait <i>et al.</i>)	Group Art Unit: 1645
)	
Application No.: 10/825,568)	Examiner: Unassigned
)	
Filed: April 14, 2004)	Confirmation No.: 9114
)	
For: ULTRA-SENSITIVE DETECTION)	
SYSTEMS)	

PETITION UNDER 37 C.F.R. 1.53(e)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer No. 23859

Sir:

In response to the Notice to File Corrected Application Papers mailed October 14, 2004 in the above-referenced patent application, Applicants hereby petition the Commissioner under 37 C.F.R. 1.53(e) to afford a filing date of April 14, 2004 because Figures 1B and 9B were not omitted from the above-identified application.

Submitted with this Petition are:

1. Copy of postcard acknowledging receipt of 10 Sheets of Formal Drawings with

Continuation Application filed April 14, 2004;

11/30/2004 AWONDAF1 00000148 140629 10825568

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ATTORNEY DOCKET NO. 01173.0003U3
APPLICATION NO. 10/825,568

2. Copy of 10 Sheets of Drawings, as filed with specification on April 14, 2004;
3. Copy of Replacement Formal Drawings (Figures 1-10 in 11 sheets) in compliance with 37 C.F.R. § 1.84 and 37 C.F.R. § 1.121;
4. Copy of Notice to File Corrected Application Papers; and
5. \$130.00 petition fee under 37 C.F.R. 1.17(h).

In the Notice to File Corrected Application Papers mailed October 14, 2004, it is noted that Figures 1B and 9B, as described in the specification, appear to have been omitted from the application. Applicants respectively disagree and assert that Figures 1B and 9B were in fact deposited along with the application as filed April 14, 2004. Specifically, Figure 1 as filed depicts two mass spectra: the leftmost spectrum is Figure 1A. The rightmost spectrum is Figure 1B. Similarly, Figure 9 as filed depicts two mass spectra: the leftmost spectrum is Figure 9A. The rightmost spectrum is Figure 9B.

Applicants submit concurrently replacement formal drawings (copies of which are submitted with this Petition) which denote the individual mass spectra of Figures 1 and 9 as, respectively, "Fig. 1A," "Fig. 1B," "Fig. 9A," and "Fig. 9B." Comparison with the originally filed figures shows that the graphs now labeled "Fig. 1A," "Fig. 1B," "Fig. 9A," and "Fig. 9B" are present in the originally filed figures but were merely less explicitly labeled. Thus, it is clear that no subject matter was omitted from the originally filed application.

Accordingly, Applicants petition the Commissioner under 37 C.F.R. 1.53(e) to afford a filing date of April 14, 2004 to Figures 1B and 9B in the instant application.

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APPLICATION NO. 10/825,568

A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$130.00, as required under 37 C.F.R. 1.53(e), is submitted herewith; no further fee is believed to be due. However, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

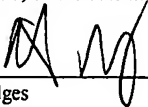


Robert A. Hodges
Registration No. 41,074

NEEDLE & ROSENBERG, P.C.
Customer No. 23859

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.



Robert A. Hodges

11/23/2004

Date



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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NOV 26 2004

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/825,568	04/14/2004	Brian T. Chait	01173.0003U3

CONFIRMATION NO. 9114

FORMALITIES LETTER



OC000000014085018

23859
 NEEDLE & ROSENBERG, P.C.
 SUITE 1000
 999 PEACHTREE STREET
 ATLANTA, GA 30309-3915

Date Mailed: 10/14/2004

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1, 2A-B, 4, 8, 9.

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **1B, 9B** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date

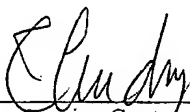
being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
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A copy of this notice MUST be returned with the reply.



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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APR 29 2004

16834 U.S. PTO
10/825568

Alexandria, VA 22313-1450

NEEDLE & ROSENBERG



041404

SIR: PLEASE ACKNOWLEDGE RECEIPT OF THE ENCLOSED:

1.53 (b) Continuation Patent Application

(X) 256 pages/specification; 64 pages/claims; 1 page Abstract; and
10 sheets of Formal Drawings

(X) Transmittal Cover Sheet (2 pages)

(X) Authorization to Treat Reply Requiring Extension of Time (2 pages)

(X) Copy of Sequence Listing (Paper Copy) (11 Pages)

(X) Copy of Declaration for Patent Application (5 pages)

(X) Copy of Recorded Assignment (13 pages)

(X) Credit Card Payment Form PTO-2038 for payment in the amount of
\$7,603.00 (Filing Fee for Continuation Patent Application) (1 page)

(X) Certificate of Express Mailing Dated: April 14, 2004

Express Mail No.: EL 992 019 169 US

IN RE APPLICATION OF: Chait et al.

TITLE: ULTRA-SENSITIVE DETECTION SYSTEMS

Application No. Unassigned

Attorney Docket No.: 01173.0003U3

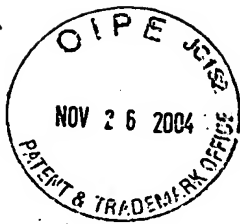
Filing Date: April 14, 2004

ATTY/sec: RAH/DBS/trs

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RAH/DBS

104
AK 4/29/04



Inventor:
Title:
Docket No.:
Sheet 1 of 10

Chait et al.
ULTRA-SENSITIVE DETECTION
SYSTEMS
01173.0003U3

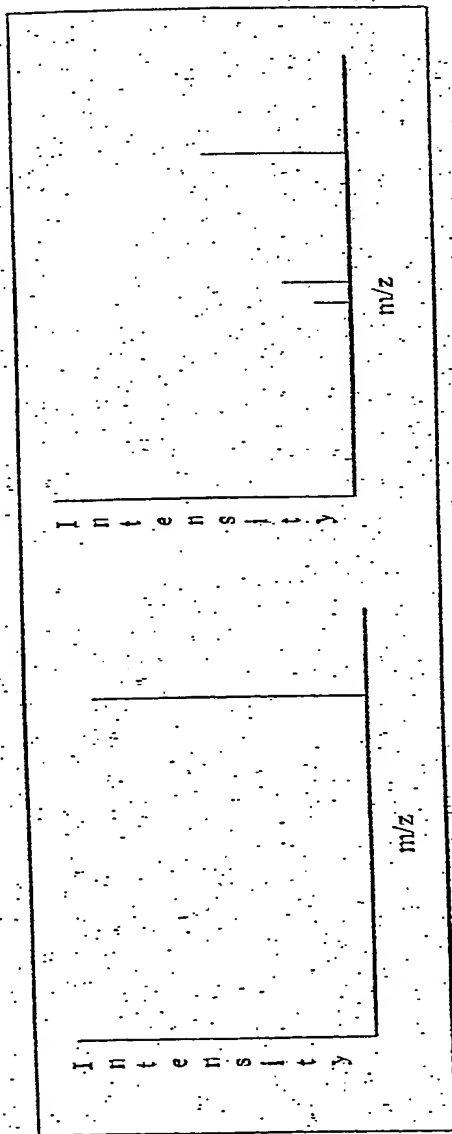


Figure 1. Representation of the mass spectra for the "before fragmentation", left, and "after fragmentation" right. In the fragmentation spectrum representation there are three ions shown, the parent ion (C(CGAGSDPLAGSLR))IK⁺, 1536 amu), the parent ion after loss of PLAGSLR (C(CGAGSD))IK⁺, 851 amu) and PLAGSLR⁺ (712 amu).

FIG. 1

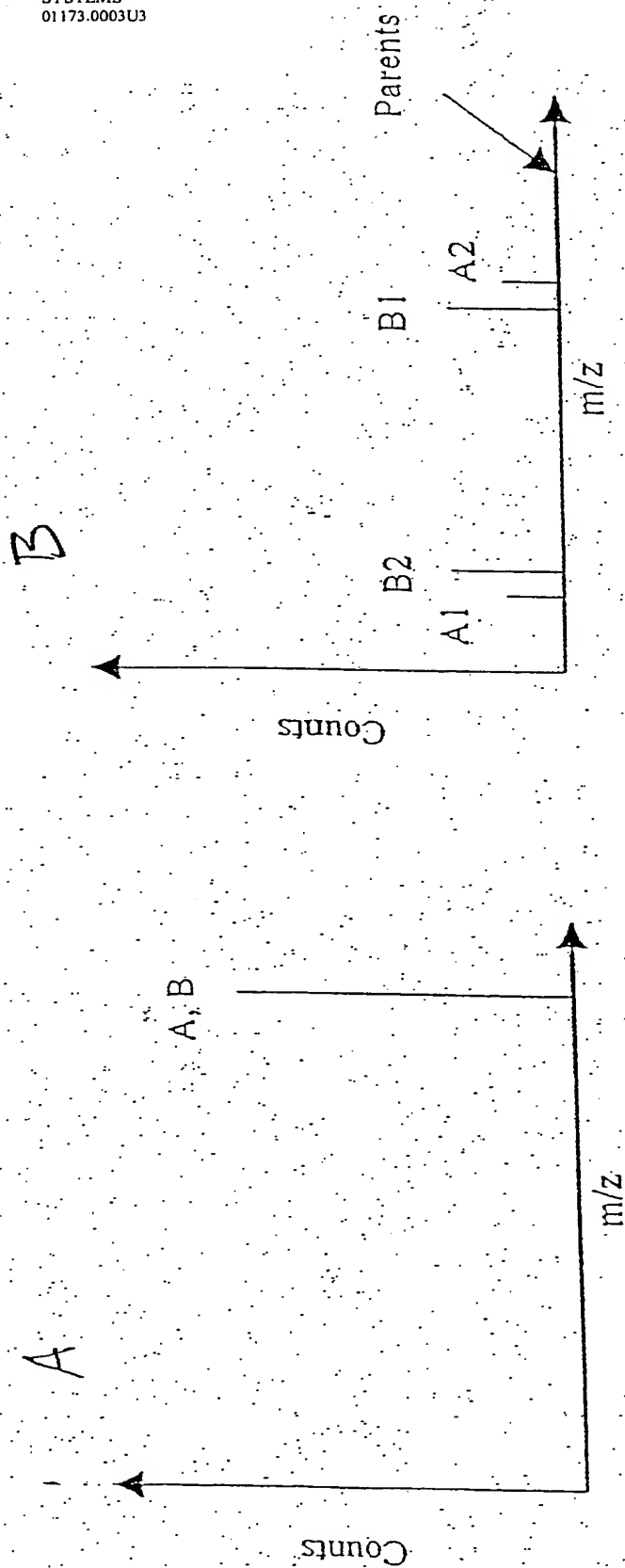


Figure 2. Schematic representation of the mass spectra of the solution of peptides A and B (The spectrum indicates there is twice as much B as A in the original sample). In the case of very low pressure in the collision cell the parent ions will pass through Q2 without fragmenting (left), with gas in the collision cell the peptides will fragment at the labile bonds (right). Note the correlation (Intensities are the same, and the sum of the masses is equal to the parent ion mass-to-charge) of the A^+ daughters and the B^+ daughters.

FIG. 2

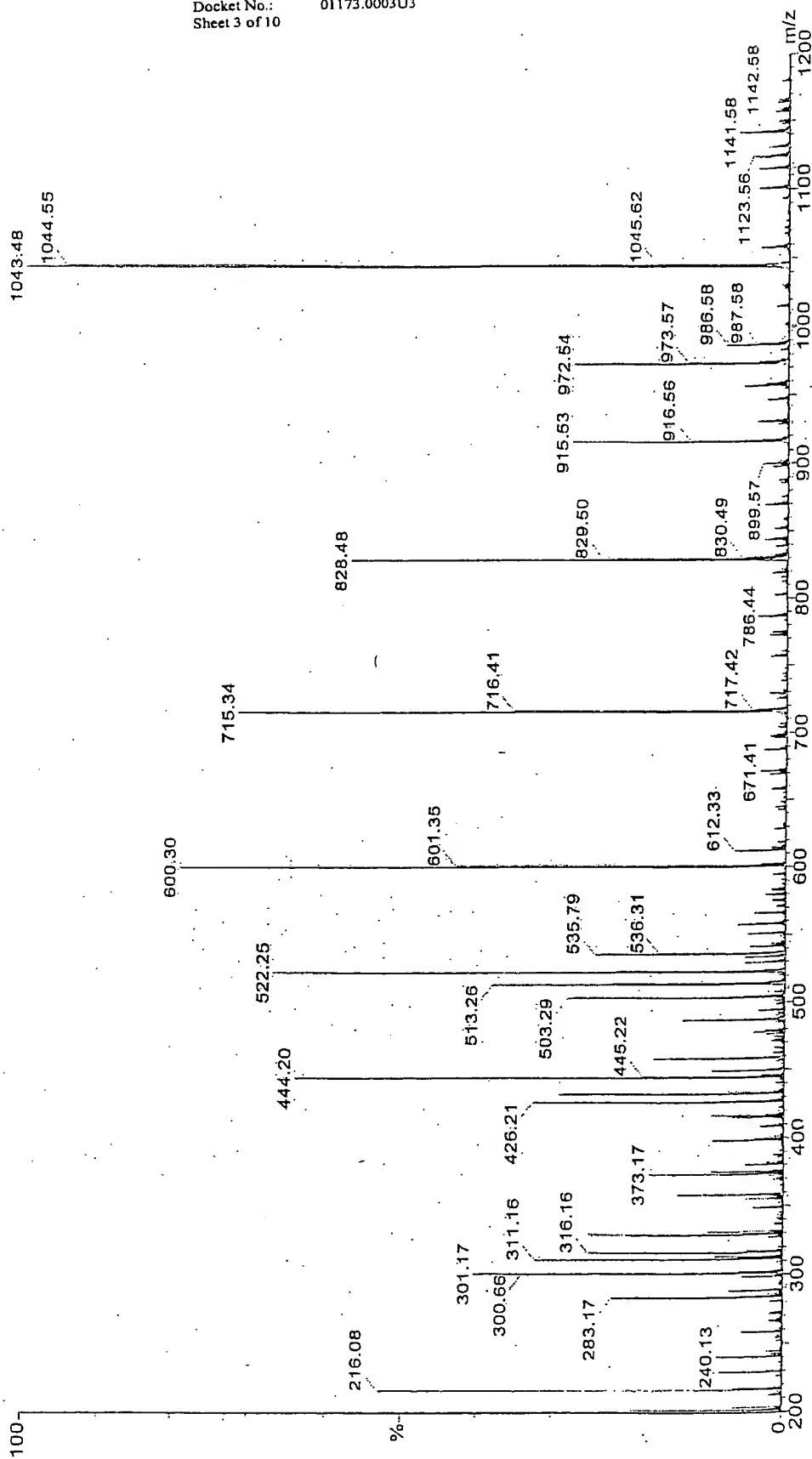


FIG. 3

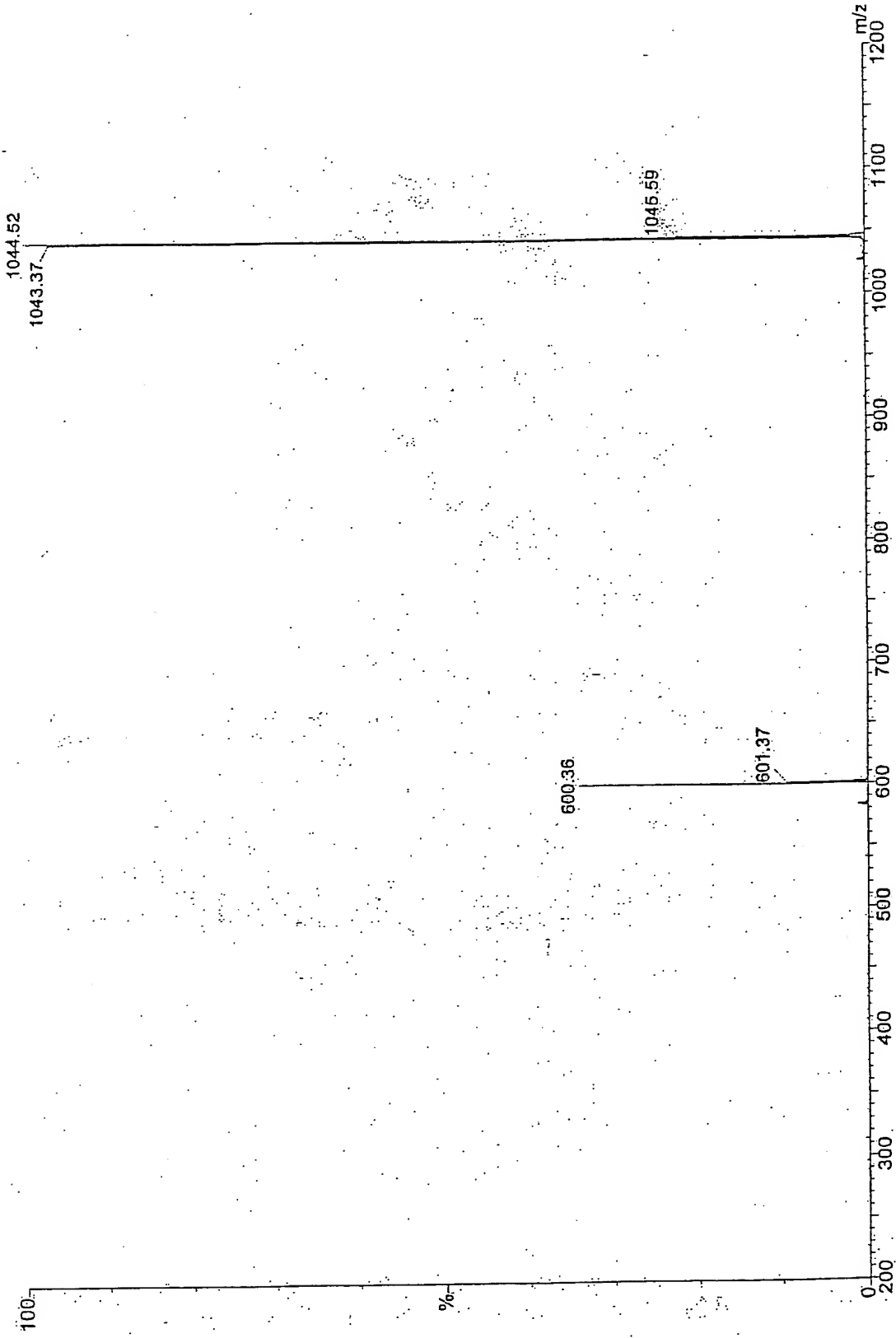


FIG. 4

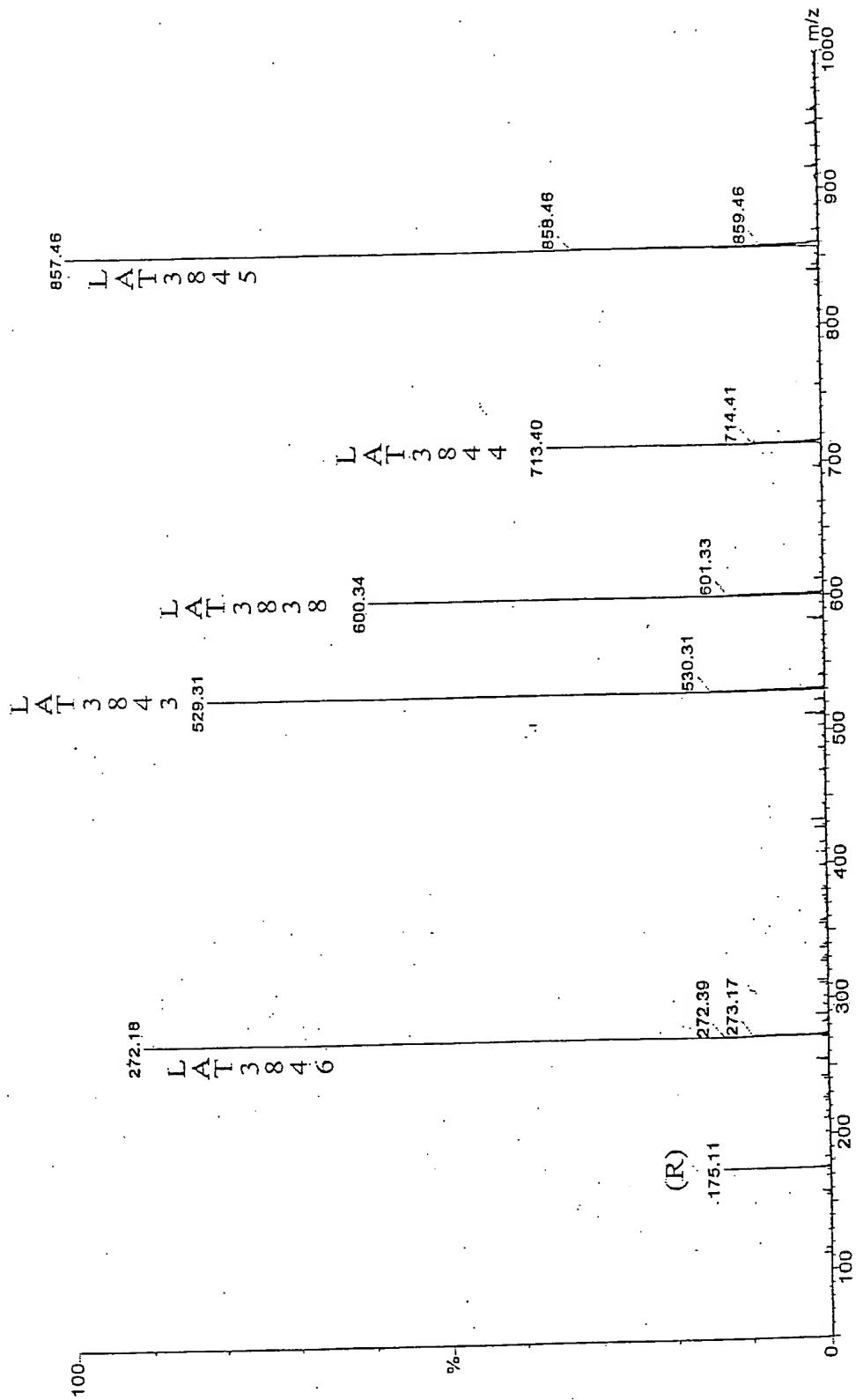


FIG. 5



Inventor:
Title:
Docket No.:
Sheet 6 of 10

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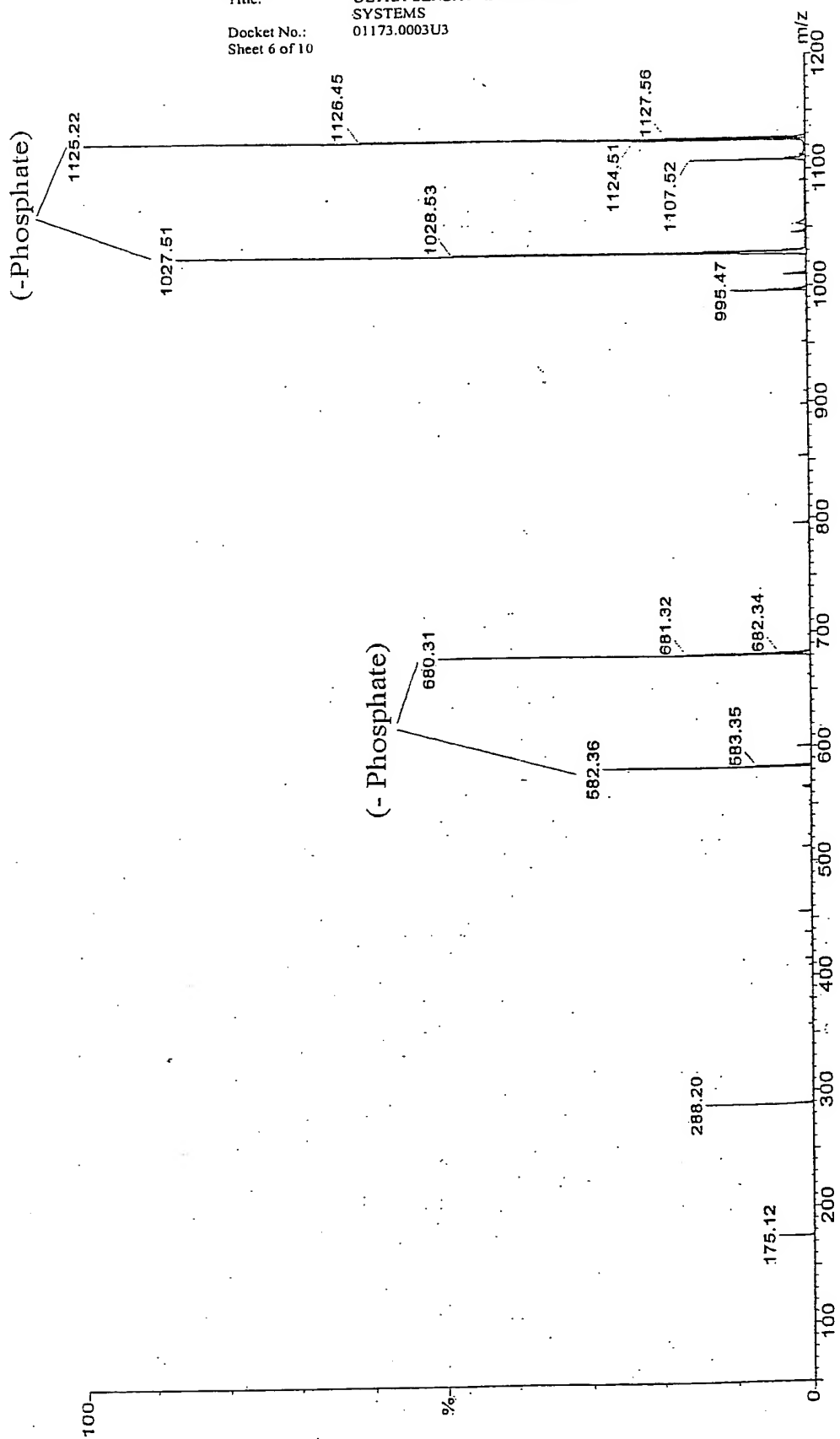


FIG. 6

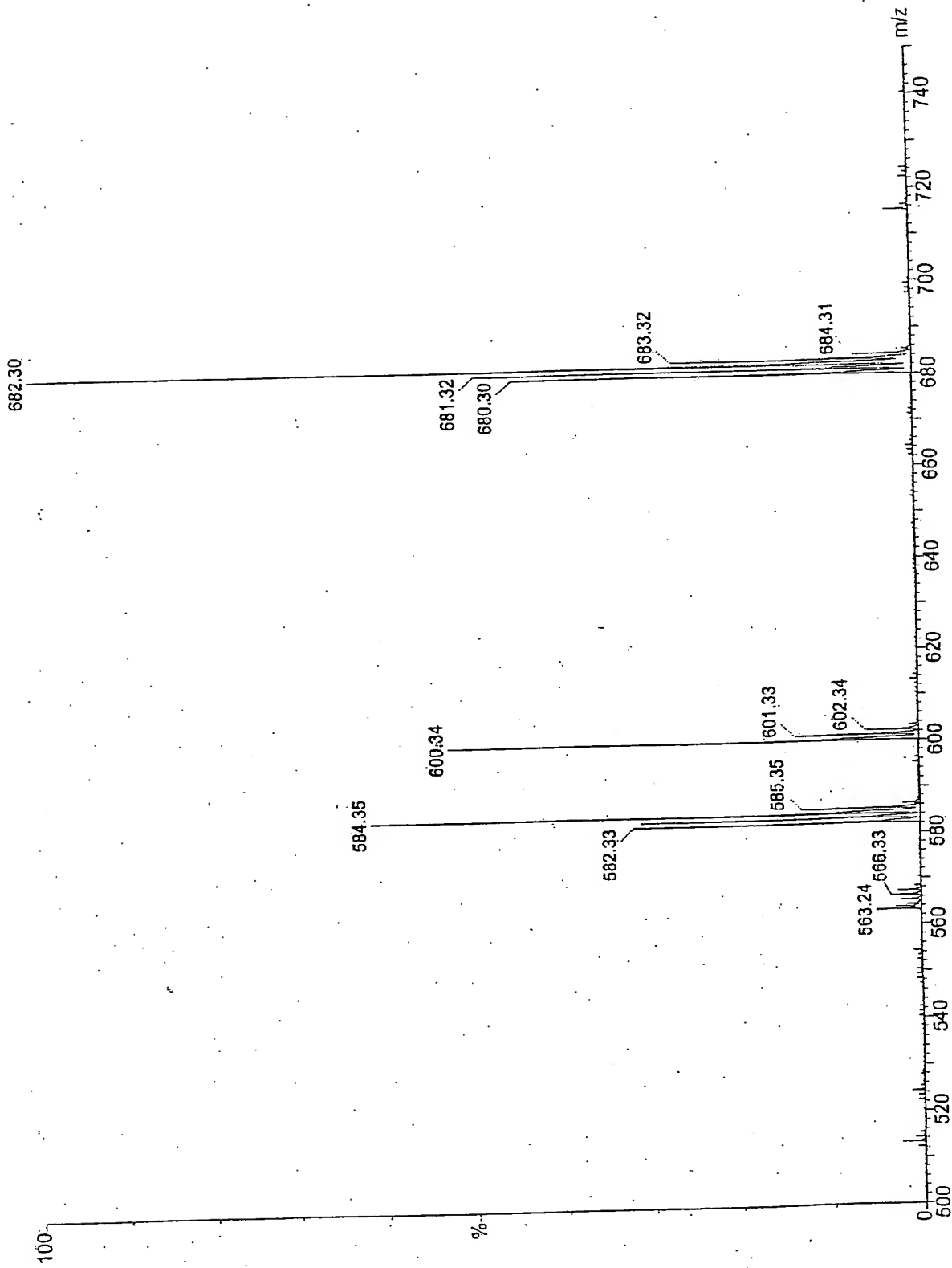


FIG. 7

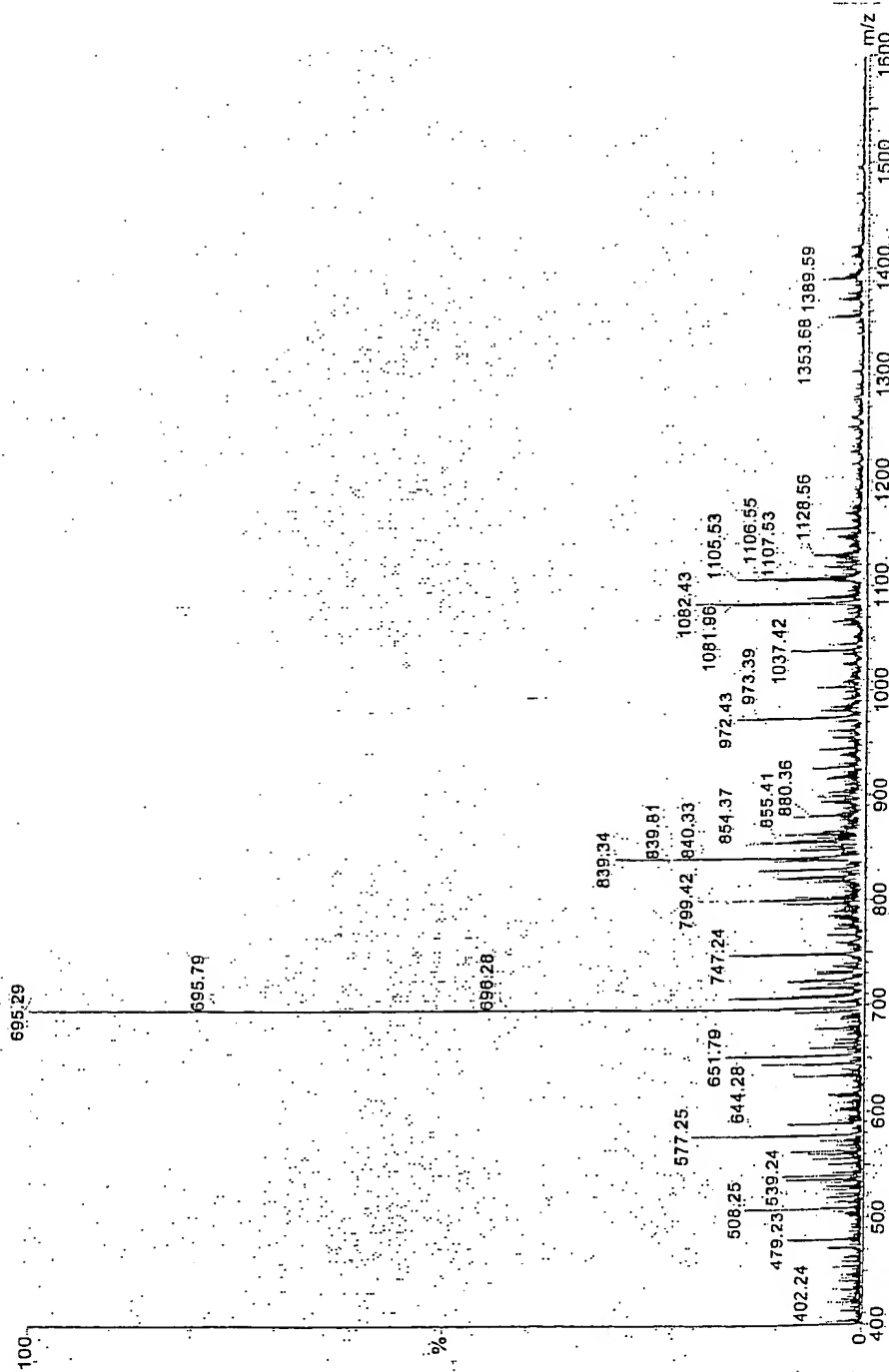


FIG. 8

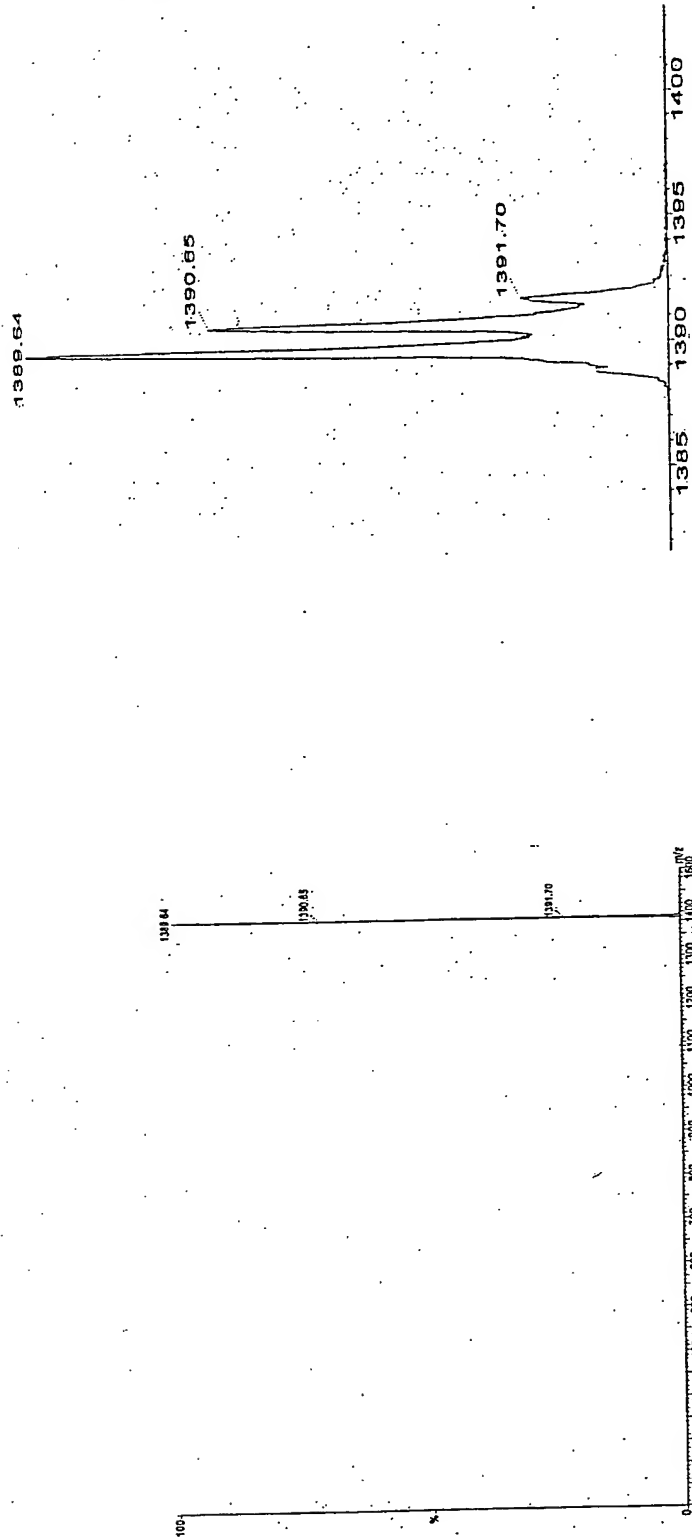


FIG. 9

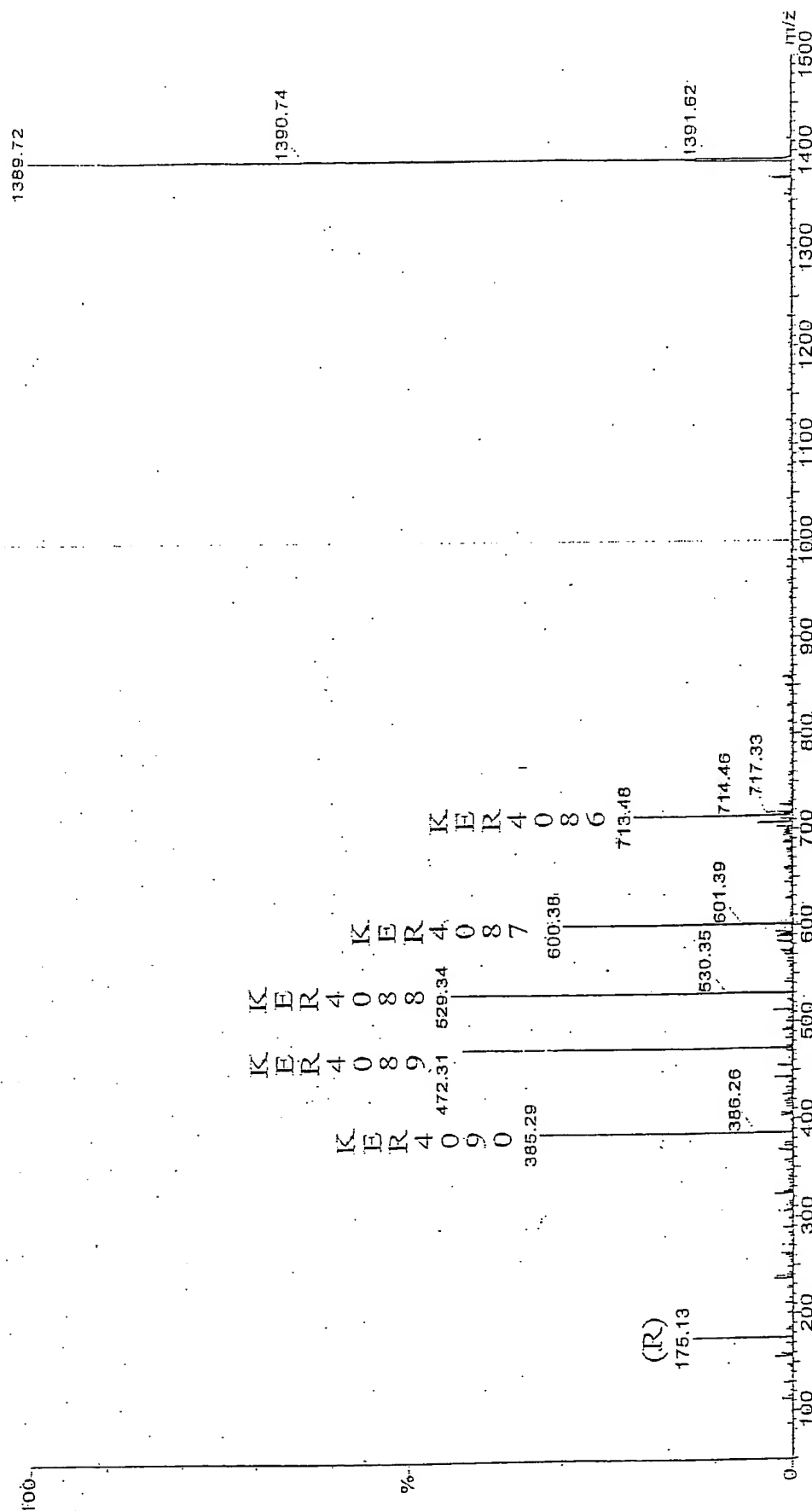


FIG. 10

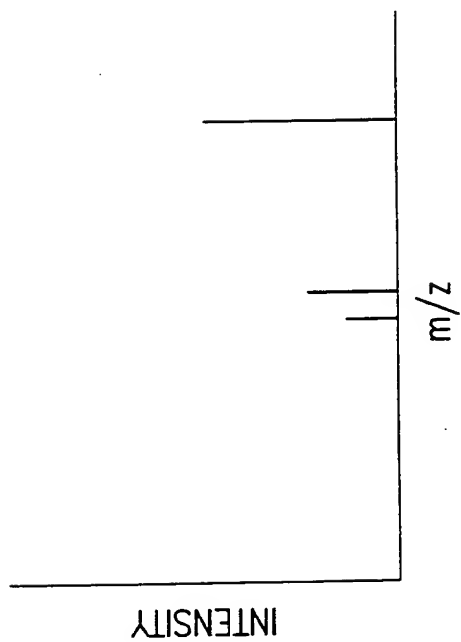


FIG.1B

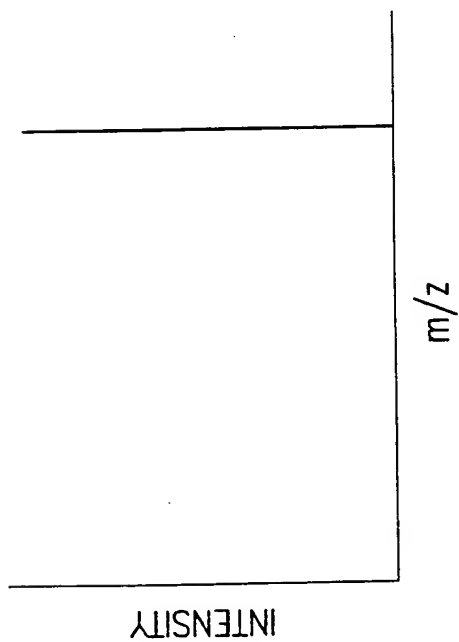


FIG.1A

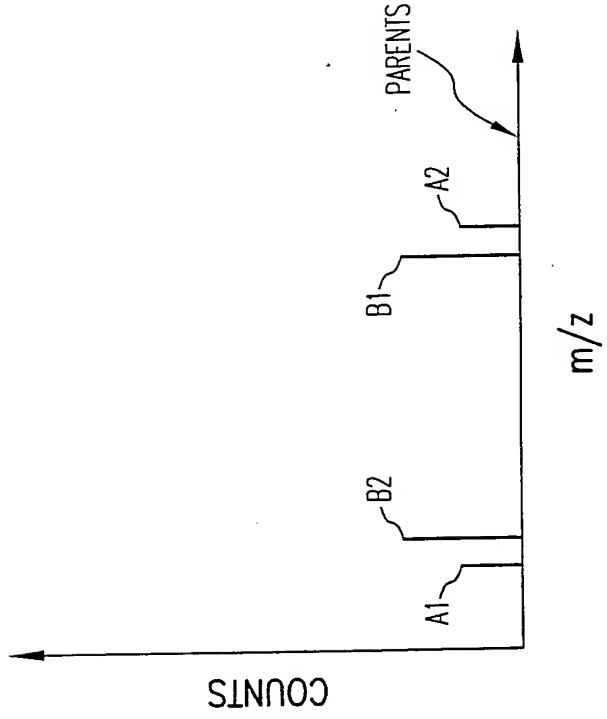


FIG.2B

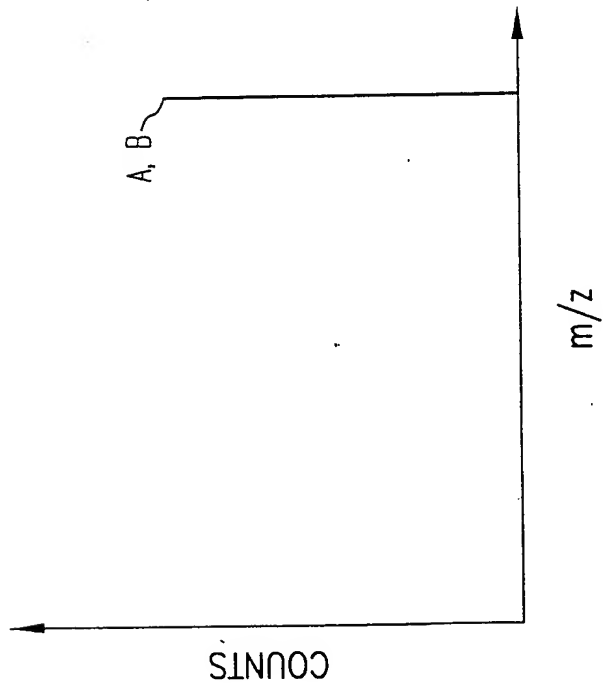


FIG.2A

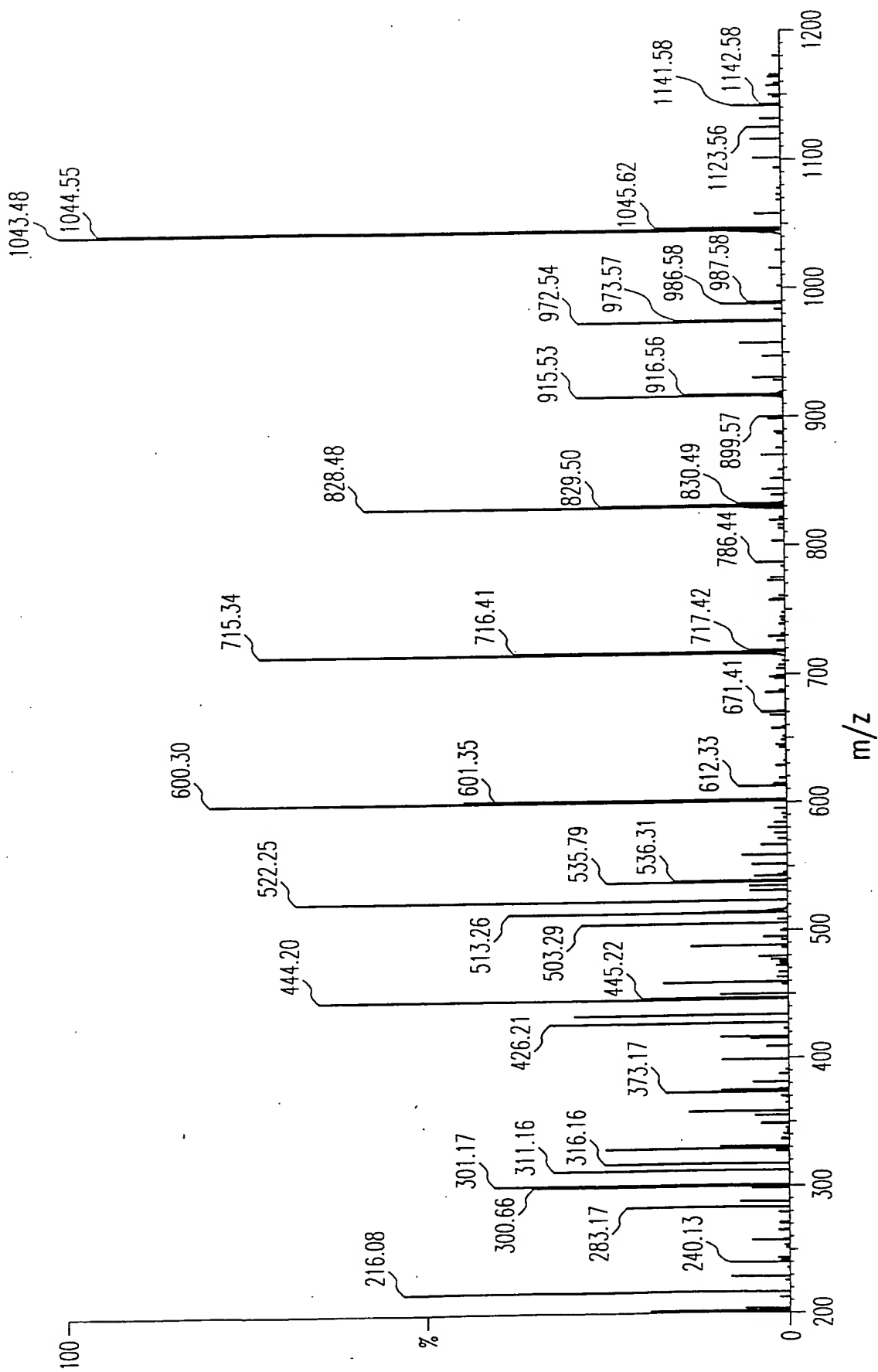


FIG.3

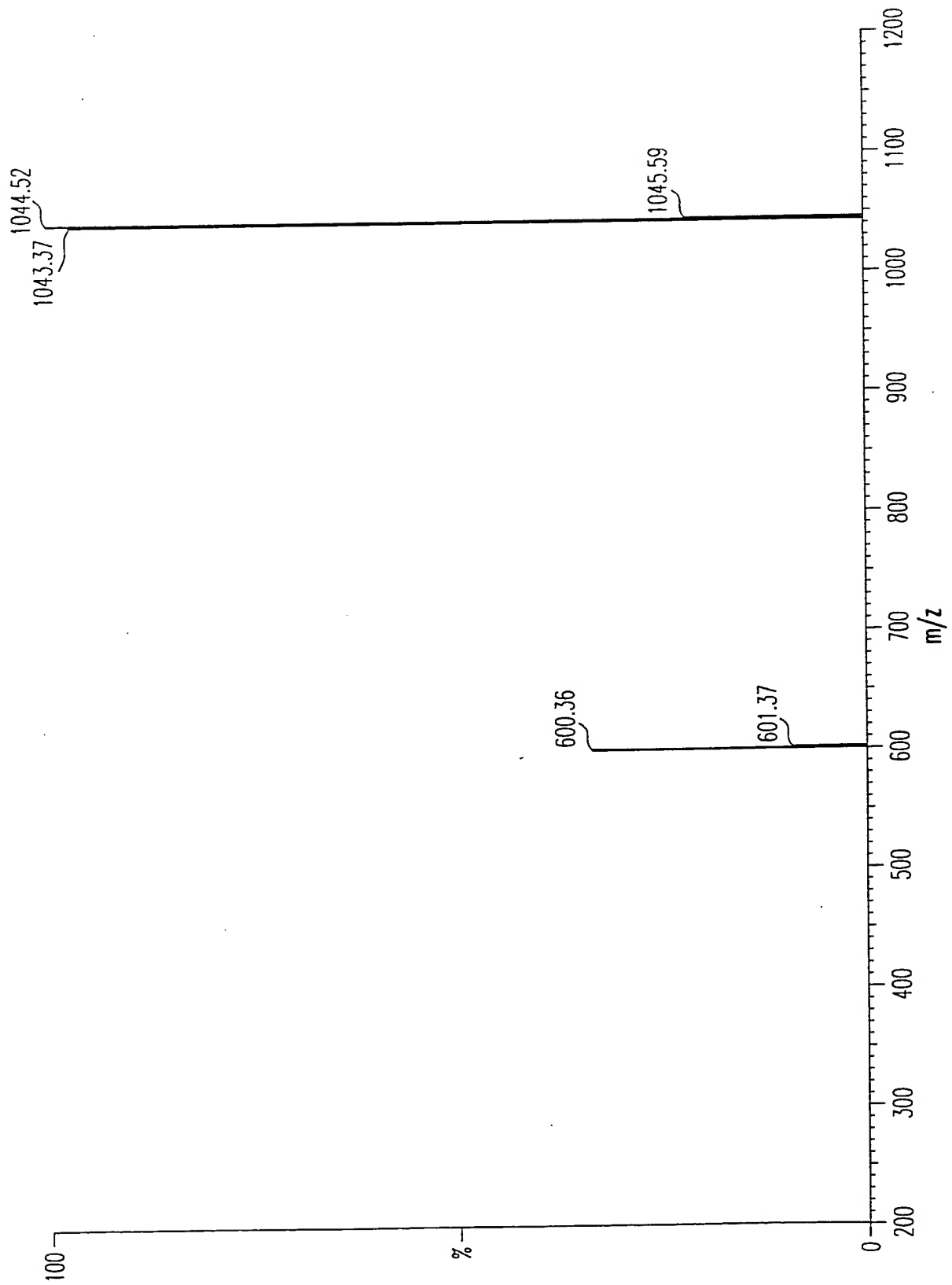


FIG.4

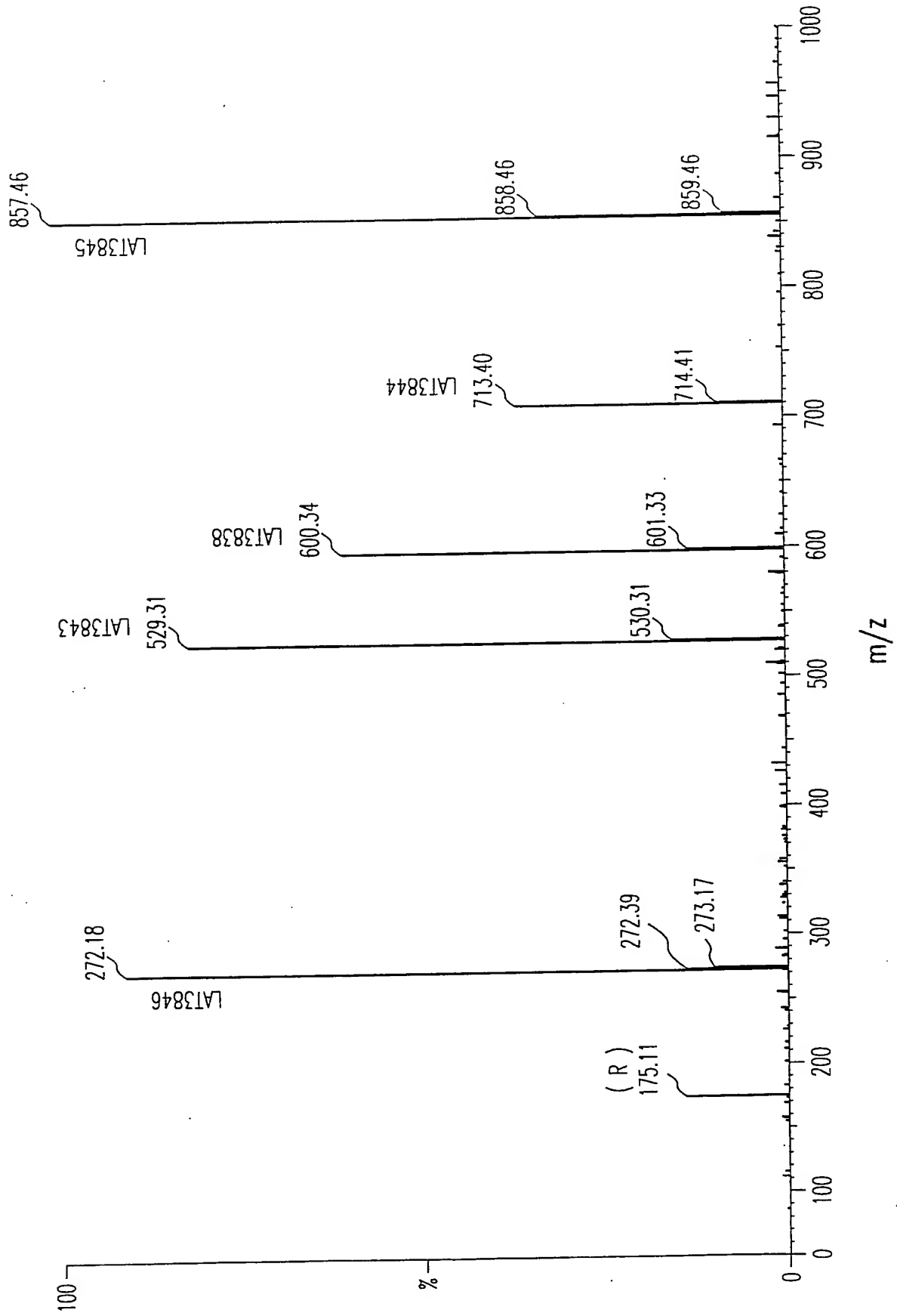


FIG.5

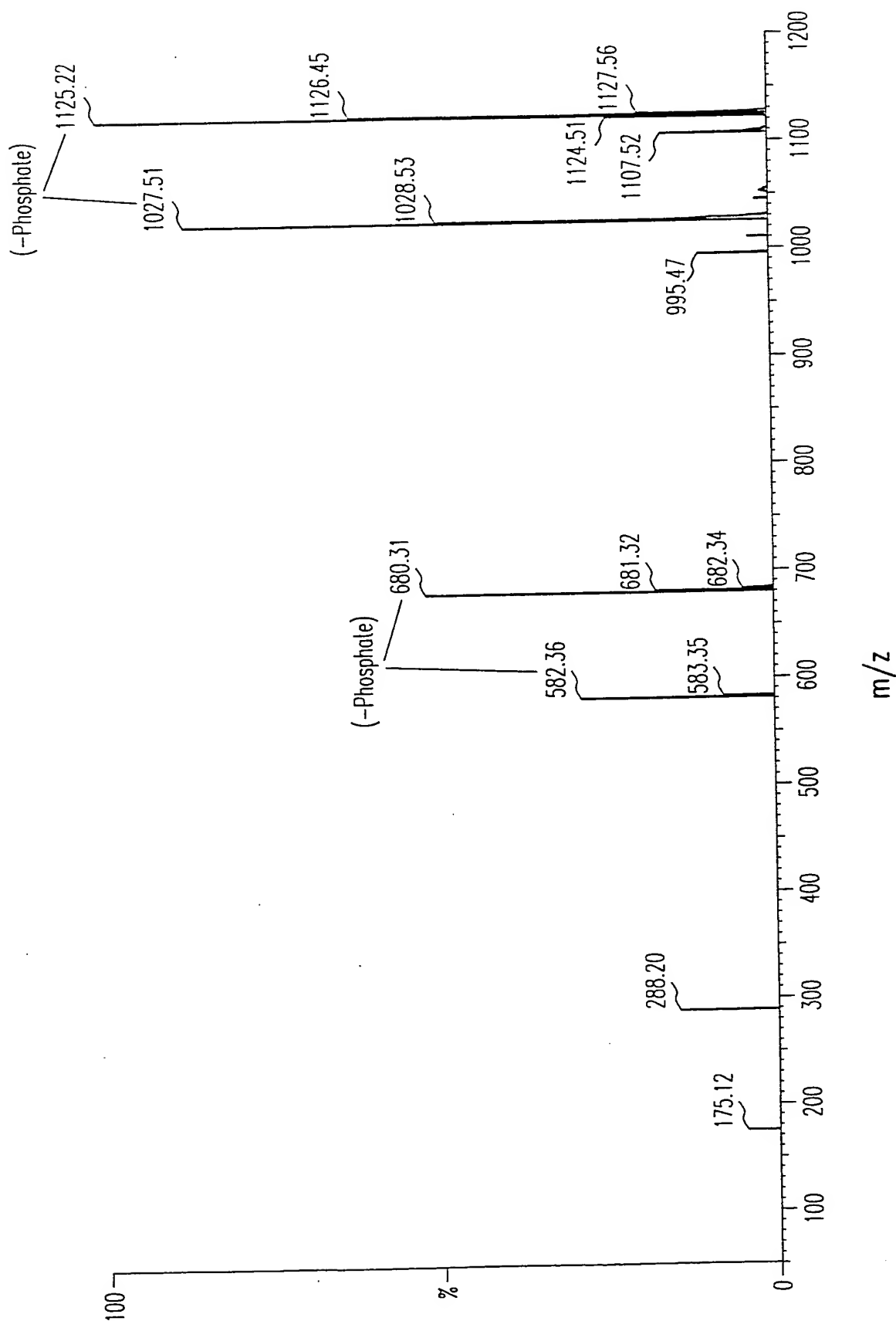


FIG.6

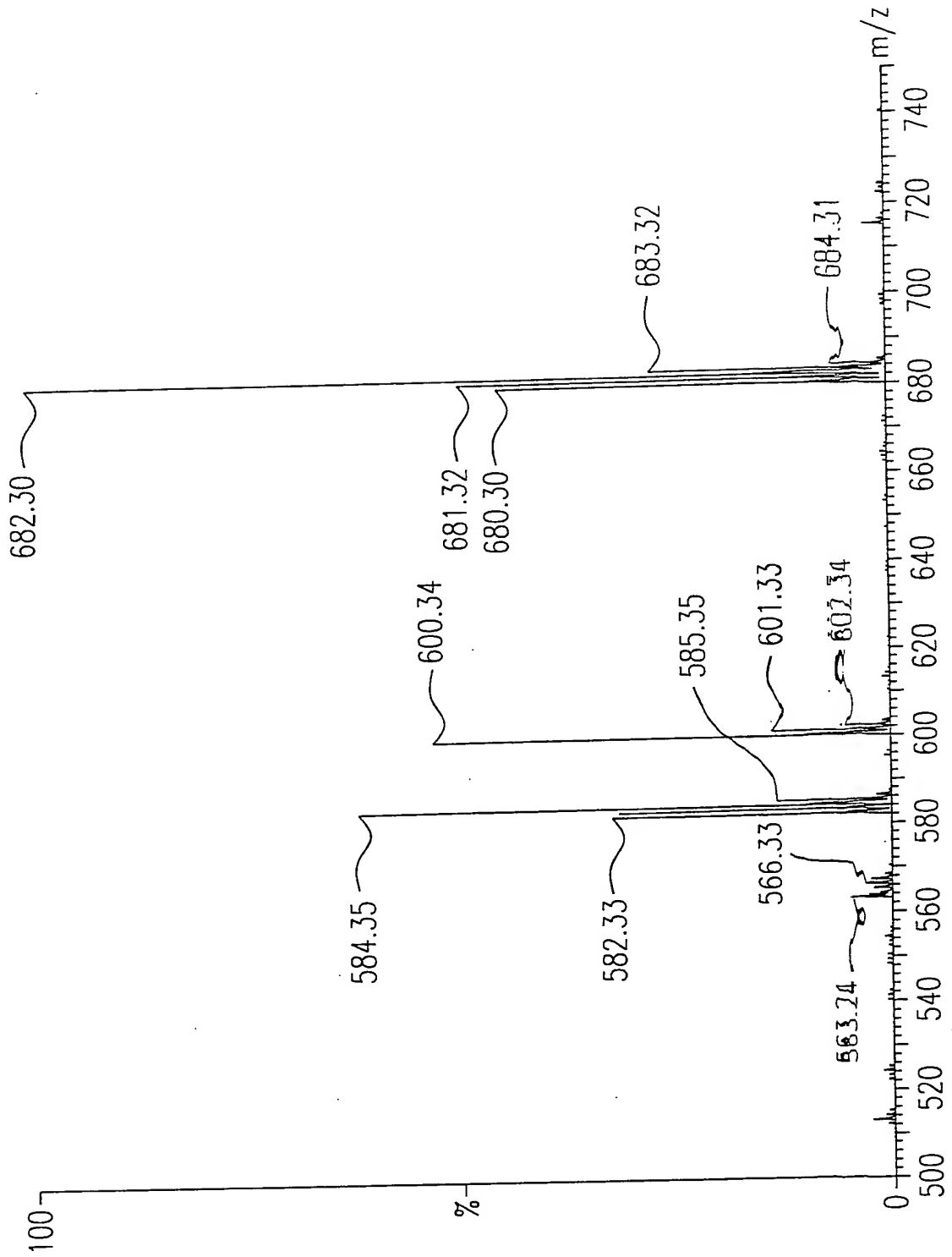


FIG. 7

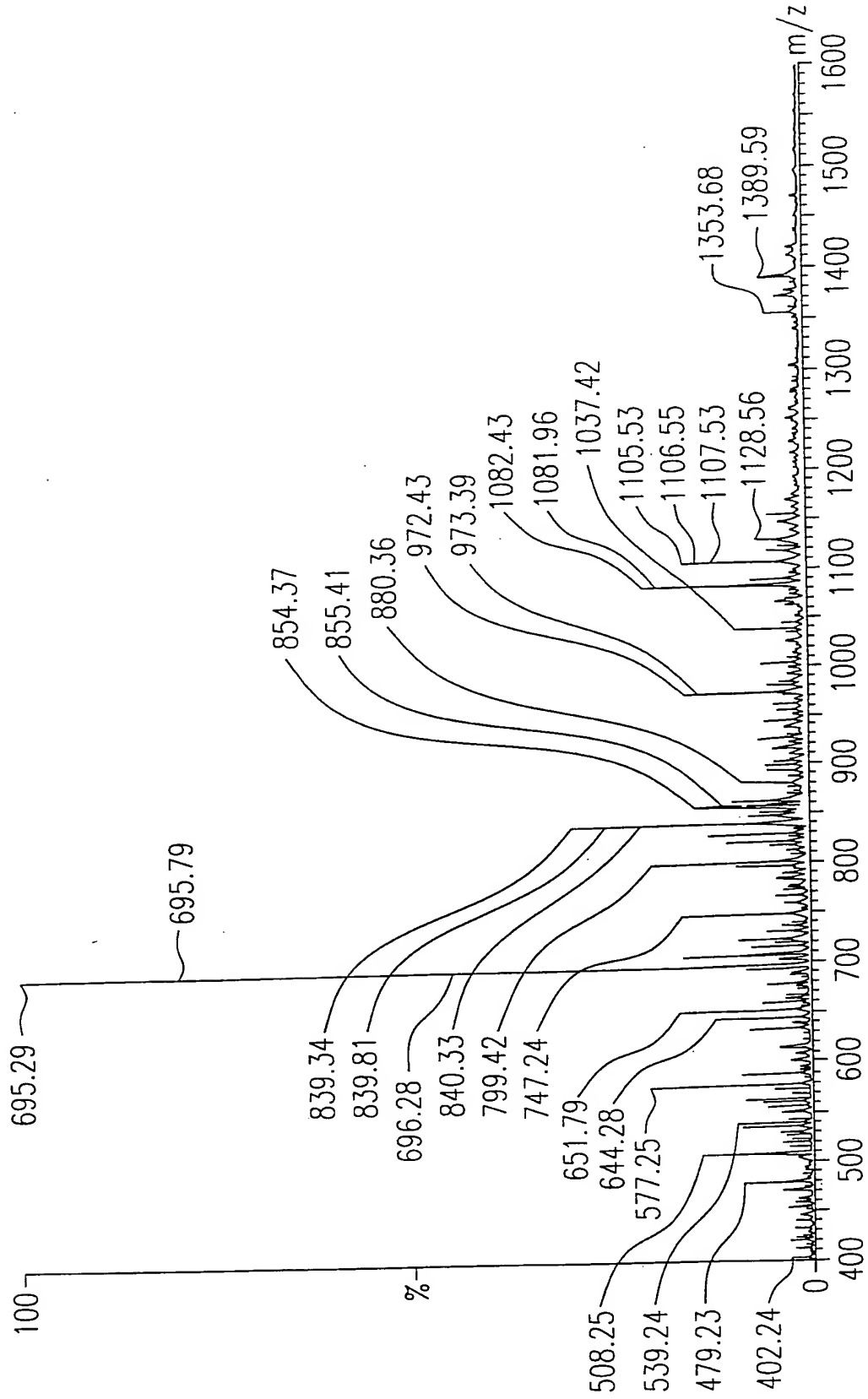


FIG.8

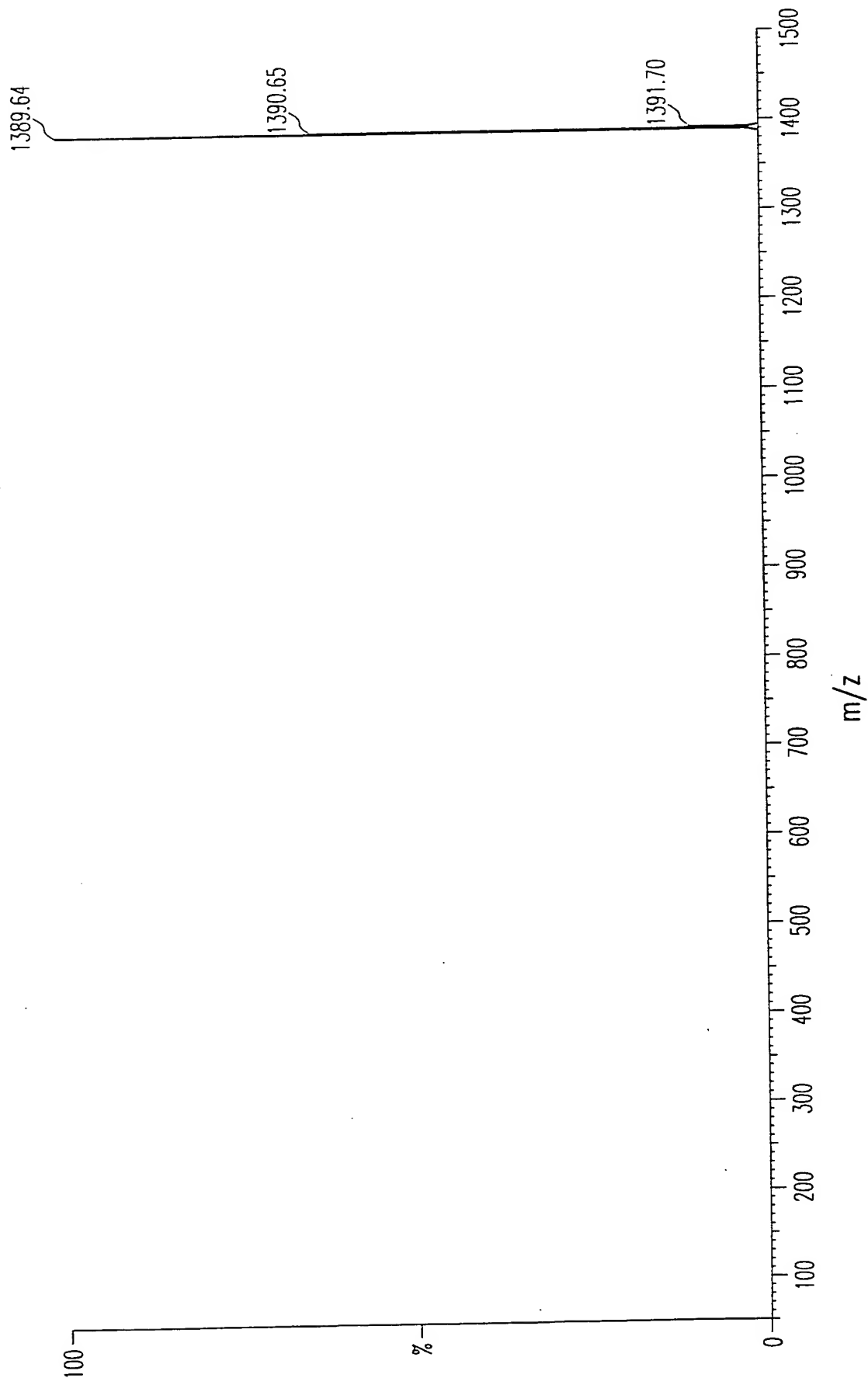


FIG. 9A

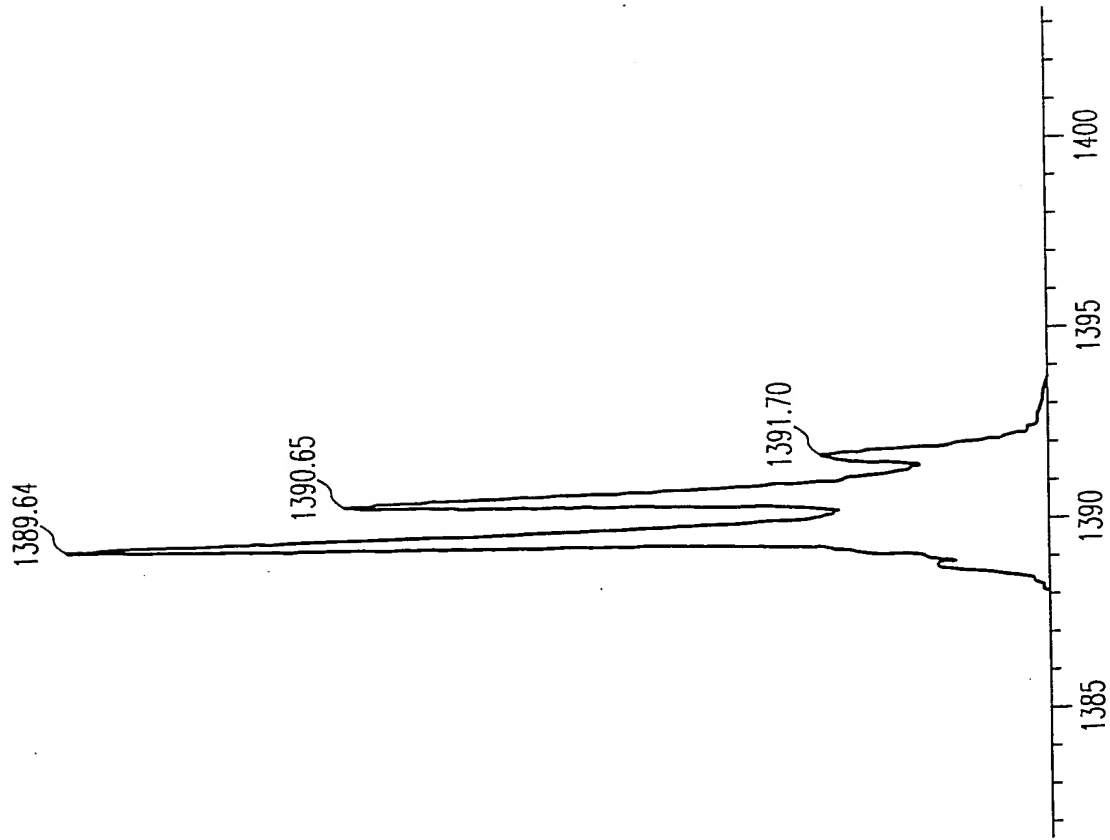


FIG. 9B

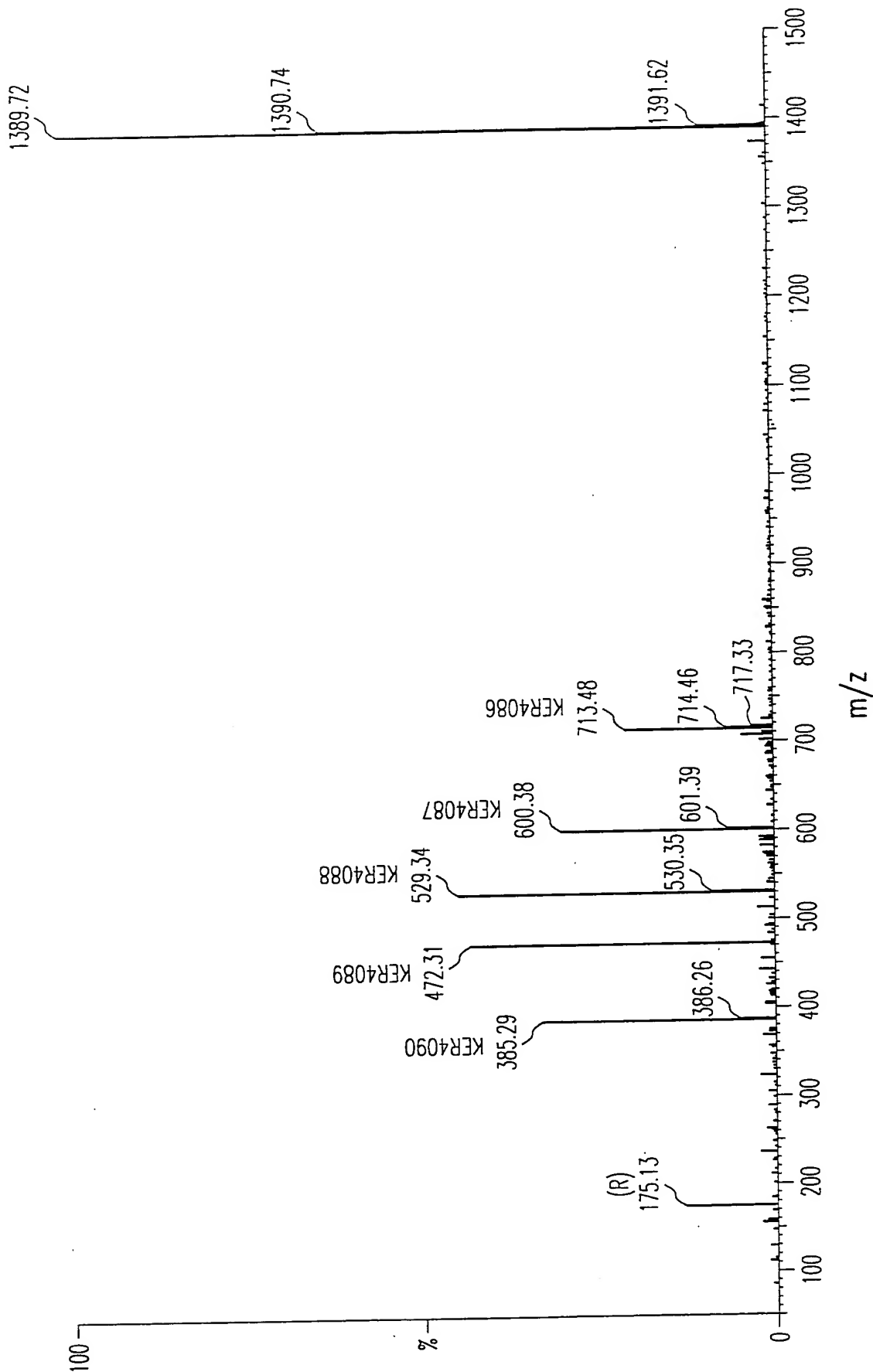


FIG.10